

### **REMARKS**

In this Amendment, Applicant has amended Claims 1 – 8. Claims 1 and 6 have been amended to overcome the rejection. In addition, Claims 2 – 5 and 7 – 8 have been amended to proper dependent form. In addition, the specification has been amended to rephrase certain expressions. It is respectfully submitted that no new matter has been introduced by the amended claims and specification. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

### **REJECTIONS UNDER 35 U.S.C. § 103:**

Claims 1 – 8 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Wasilewski (US 5,420,866), hereinafter Wasilewski, in view of Bleichenbacher et al. (US 6,735,313), hereinafter Bleichenbacher and further in view of Levy et al. (US 6,212,633), hereinafter Levy.

Applicant traverses the rejection and respectfully submits that the embodiments of present-claimed invention are not obvious over the cited references because there is no motivation to combine the references to achieve the present invention as defined. There is no reasonable expectation of success for the combination. Even if they are combined, they will not teach or disclose the present invention as defined.

More specifically, Wasilewski and Bleichenbacher are both concerned with transmission of media comprising one or more elementary streams of coded video, audio or other data. The example both these references refer to is the MPEG-2 standard. In contrast, Levy relates to a distributed firewall for use in “memory-mapped” serial communications interfaces. Levy is primarily concerned with a distributed firewall, and only in selected embodiment is encrypted transmission used for transmission of data between two devices. Levy has nothing to do with streaming multimedia data content to a

remote receiver. A person of ordinary skill in the related art would not look to memory-mapped serial interface technology to solve encryption problems arising from distribution of content to remote recipients over a data network. There would be no motivation to combine with the teaching of Levy with either Bleichenbacher or Wasilewski, let alone with both of them.

In addition, even if the teaching of Wasilewski were combined with the teaching of Bleichenbacher and with the teaching of Levy, such a combination would not result in the invention as defined in Claims 1 and 6 or render the invention obvious. Wasilewski discloses a system in which a packet ID is assigned to each stream of program data. Bleichenbacher discloses a system in which a program ID is assigned to each program, each program consisting of multiple streams. Levy makes no mention of packet IDs. Accordingly, none of the references cited by the Examiner discloses the feature of assigning a unique tag value to each packet in a data stream as in Claims 1 and 6. Assigning a unique tag value to each packet provides greater security than assigning a unique tag to each stream of packets or to each program. The embodiments of the present invention have the added benefit that it can use a unique tag value already included in the header of each packet, so that it is not necessary to add information to each header, as in the cited references.

Claims 2 – 5 and 7 – 8 are also not obvious over the cited references due to their dependency on Claims 1 and 6, respectively. In addition, it is respectfully submitted that there is inconsistency in the interpretation of the cited references against the pending claims. In the rejection of Claim 1, the Examiner deems the control word of Wasilewski equate with the packet key of the present invention. However, in the rejection of Claim 2, the Examiner deems the control word of Wasilewski equate with the open key of the present invention. In addition, the Examiner also equates the session key disclosed in Levy with the open key of the present invention. However, Levy does not disclose transmitting the session key by adding it to a stream header. Therefore, the interpretation of the cited is inconsistent and incorrect.

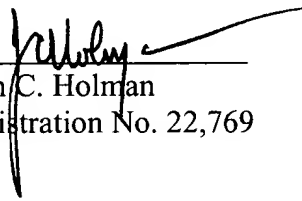
Therefore, the rejection under 35 U.S.C. § 103 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: May 9, 2005  
(202) 638-6666  
400 Seventh Street, N.W.  
Washington, D.C. 20004  
Atty. Dkt. No.: P65847US1

By   
John C. Holman  
Registration No. 22,769